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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/579,855	05/17/2006	Takayuki Araki	Q94609	8089
23373 7590 01/08/2009 SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037				
EXAMINER JOHNSON, CONNIE P				
ART UNIT		PAPER NUMBER		
1795				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/579,855

**Applicant(s)**

ARAKI ET AL.

**Examiner**

CONNIE P. JOHNSON

**Art Unit**

1795

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 October 2008.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4, 11-13 and 15-18 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-4, 11-13 and 15-18 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/SB-08)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Amendment***

1. The remarks and amendment filed 10/23/2008 have been entered and fully considered.
2. Claims 1-4, 11-13 and 15-18 are pending.
3. Claims 5-10, 14 and 19-20 are cancelled.
4. Claims 1 and 13 are amended.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-4, 11-13 and 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brunsvold et al., U.S. Patent No. 6,057,080 in view of Araki et al., U.S. Patent No. 7,214,470 B2.

The applied reference has a common inventor with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art only under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 103(a) might be overcome by: (1) a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not an invention "by another"; (2) a showing of a date of invention for the claimed subject matter of the application which corresponds to subject matter disclosed but not claimed in the

reference, prior to the effective U.S. filing date of the reference under 37 CFR 1.131; or (3) an oath or declaration under 37 CFR 1.130 stating that the application and reference are currently owned by the same party and that the inventor named in the application is the prior inventor under 35 U.S.C. 104, together with a terminal disclaimer in accordance with 37 CFR 1.321(c). This rejection might also be overcome by showing that the reference is disqualified under 35 U.S.C. 103(c) as prior art in a rejection under 35 U.S.C. 103(a). See MPEP § 706.02(l)(1) and § 706.02(l)(2).

Brunsvold teaches a top antireflective layer comprising an ammonium or amine compound (col. 3, lines 65-67 and col. 4, lines 1-7). Example 5 of the reference shows a method of making a patterned photoresist composition by applying a photoresist to a silicon substrate and overcoating the photoresist with the antireflective film of example 3. Brunsvold teaches using perfluorinated polymers in the top antireflective layer for ease of removal with an alkaline developer. Water is used as a solvent in the antireflective layer as shown in example 2 (col. 4, lines 65-67). The polymer solution has a water content of 95% by weight of the composition. Brunsvold does not teach that the fluorinated polymer comprises the formula as in present claim 13.

However, Araki teaches fluorinated polymers with a structure as in formulas (1) and (14). The fluorinated polymers may be used as a base polymer in an antireflective coating (abstract). Araki also teaches that the fluorinated polymers have a molecular weight of 500 to 1,000,000 (col. 12, lines 11-12). The -COOH and -OH groups in the fluorinated polymer have a pKa value of less than 10 (col. 31, lines 1-9 and experimental example 2). The fluorinated polymers may comprise -OH and -COOH groups (col. 13, lines 5-10). The base polymer structure (15) has a fluorine content of 60% by mass,

based on the molecular weight and has 0.26 moles of -COOH per 100g of the fluorinated polymer when  $Z^2$  is -COOH. The fluorinated polymer in column 13, line 10 meets the limitations of formula (5-1) in present claim 13. The fluorinated polymer has the following formula ( $\text{CH}_2=\text{CFCF}_2-\text{OR}^6-\text{Z}^2$ ), wherein  $\text{R}^6$  is a fluorine containing alkylene group having 1 to 40 carbons or 2 to 100 carbon atoms and an ether bond.  $Z^2$  is a -COOH group (col. 13, lines 1-13). The M1 formula is present in an amount of not less than 30mol% (col. 29, lines 7-11). It would have been obvious to one of ordinary skill in the art to use the fluorinated polymers of Araki in the antireflective layer of Brunsfold to maintain a low refractive index and improve optical characteristics as taught by Araki (col. 18, lines 61-65 and abstract).

### ***Response to Arguments***

7. Applicant's arguments filed 12/23/2008 with respect to the rejection(s) of claim(s) 1-20 under 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made herein.

8. Applicant argues that Araki does not teach using polymer A in an antireflective coating. Further, that Araki does not teach selecting a polymer for the antireflective layer that does not intermingle with a polymer of the photoresist.

Araki does teach using polymer A in an antireflective coating. Applicant is directed to the abstract wherein Araki teaches fluorinated polymers may be used as a base polymer in an antireflective coating. The fluorinated polymer has the following formula ( $\text{CH}_2=\text{CFCF}_2-\text{OR}^6-\text{Z}^2$ ), wherein  $\text{R}^6$  is a fluorine containing alkylene group having 1 to 40 carbons or 2 to 100 carbon atoms and an ether bond.  $Z^2$  is a -COOH

group (col. 13, lines 1-13). Araki teaches the fluorinated polymers with the same structure as presently claimed to maintain a low refractive index and improve optical characteristics in the antireflective coating (col. 18, lines 61-65 and abstract). Therefore, Araki does teach selecting a polymer to improve features of the photosensitive layer.

### ***Conclusion***

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CONNIE P. JOHNSON whose telephone number is (571)272-7758. The examiner can normally be reached on 7:30am-4:00pm Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cynthia Kelly can be reached on 571-272-1526. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Connie P. Johnson  
Examiner  
Art Unit 1795

/Cynthia H Kelly/

Supervisory Patent Examiner, Art Unit 1795